

April 27, 1979

LB 573

they rewrite the legislative intent of LB 573 found in section 2 of this particular bill. This legislative intent is expanded to encompass the entire procedural aspect of pretrial diversion. The second portion of the committee amendment adds two additional facets to the development of a pretrial diversion program within the various counties. These two aspects are, first, that enrollment in this pretrial diversion plan is not conditioned upon a plea of guilty by the defendant and, second, that any defendant who is denied enrollment in this pretrial diversion plan is then afforded a review of the decision with a written reason for that particular denial. I move the adoption of the committee amendments.

SPEAKER MARVEL: The motion is the adoption of the committee amendments to LB 573. Senator Warner.

SENATOR WARNER: Senator Stoney, do I read this correct that you are eliminating the requirement of the concurrence of the county board in order to establish this? It looks to me lines 15 and 16 on page 4 are stricken.

SENATOR STONEY: Where was that, Senator Warner?

SENATOR WARNER: On page 4, I think it is lines 15 and 16.

SENATOR STONEY: Senator Warner, we did eliminate that requirement feeling that it was a judicial function and not really that of the county board.

SENATOR WARNER: Who pays for it?

SENATOR STONEY: Well, I know that the county essentially would be paying for it so they would have the oversight through the appropriation.

SENATOR WARNER: But no control over whether it be established?

SENATOR STONEY: That is true.

SENATOR WARNER: Mr. President, I would like to...I will amend the committee amendment to reinsert the stricken language in line 15 and 16 rather than to strike it.

SPEAKER MARVEL: Senator Warner, do you want to give the Clerk the page and line again?

SENATOR WARNER: It would be on the committee amendment on page 4, line 15 and 16, reinsert the words "with the concurrence of the county board." Mr. President, the reason